

Strategic Planning Policy,
West Offices,
Station Rise,
York,
YO1 6GA



SENT BY EMAIL
localplan@york.gov.uk
04/04/2023

Dear Planning Policy Team,

YORK LOCAL PLAN: MAIN MODIFICATIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the York Local Plan Main Modifications consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

MM3.1 - Policy SS1: Delivering Sustainable Growth for York

3. The Council proposed to amend the policy to detail the plan period as 2017 to 2032/33 and to set out that they will deliver a minimum average annual net provision of 822 dwellings over the plan period. As has been set out in the HBF previous responses the HBF does not consider that this proposed housing requirement is sound. The HBF continues to be concerned that the housing requirement is not underpinned by robust evidence and that it is not justified. The Council have not followed the methodology for assessing the housing need as set out in the PPG as they did not update all of the elements of the methodology. The HBF also does not consider that the housing requirement has taken account of all of the housing need, particularly in relation to affordable housing.
4. The proposed amendments also include a spatial principle which seeks to prioritise making the best use of previously developed land. The HBF continues to be concerned by the use of the word 'prioritise' which continues to suggest that this would be prioritised before greenfield development, which the Council acknowledges would be unreasonable. The HBF recommends that the Council amend this policy further potential to state that the Council will seek to make efficient and effective use of brownfield sites where they are available for redevelopment, or something similar.

MM5.6 - Policy H2: Density of Residential Development

5. The Council propose to amend the policy to state that where appropriate on strategic sites that are not consistent with the rates above satisfactory justification must be



provided for a bespoke approach to site density. The HBF supports the Council in adding additional flexibility into this policy. However, the HBF considers that it would be appropriate to extend this flexibility to all sites not just strategic sites.

MM5.8 – Policy H3: Balancing the Housing Market

6. The Council are proposing to amend this policy to refer to the latest LHNA and in any other appropriate local evidence, and to suggest that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities. The HBF considers that this modification is appropriate.

MM5.9 – Policy H3: Balancing the Housing Market

7. The Council are proposing to amend this policy to state that the Council will encourage developers to deliver an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations, unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable. The HBF is concerned that this policy could be perceived as more than encouragement by the way it is written to suggest an appropriate proportion unless certain specific criteria are met and that these need to be demonstrated.

MM5.10 – Policy H4: Promoting Self and Custom House Building

8. The Council propose to amend this policy to aid clarity, by ensuring that it relates to residential development on strategic sites subject to appropriate demand being identified by the Council. Whilst the HBF considers that there are improvements to the clarity of this policy, the HBF continues to consider that this policy is not justified and therefore not sound. The HBF is still concerned that the Council has not evidenced the need for strategic sites to provide for self and custom build homes. The HBF is still not clear how appropriate demand would be identified, or how this demand could be identified by a developer when they are looking to purchase a site or design a development for a site. The HBF therefore considers that there are still issues with the effectiveness of this policy.

MM5.11 – Policy H5: Gypsies and Travellers

9. The Council propose to amend this policy to reflect the evidence in the 2022 GTAA and to provide clarity to the policy. Part (b) of the policy now requires residential developments on strategic sites to provide a number of pitches or to provide alternate land that meets the criteria set out in part (c) of the policy. It goes on to state that commuted sums will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternate sites.
10. The HBF continues to be concerned by the effectiveness of this policy in meeting the needs of the gypsy and traveller community. It is not clear that this community would want to live in plots provided within a strategic residential development, particularly at the numbers proposed within the policy. The HBF continues to have concerns that the full implications of this policy in relation to viability and deliverability have not been

considered by the Council. The HBF does not consider that this policy is sound and consider that part (b) of the policy should be deleted.

MM5.21 – Policy H10: Affordable Housing

11. The Council propose to amend this policy to state that affordable housing is provided in accordance with Table 5.4 as a minimum, and that higher rates of provision will be sought where development viability is not compromised. Table 5.4 has been simplified this now states that brownfield sites of 15 or more dwellings the affordable target is 20%, greenfield sites of 15 or more dwellings the target is 30%, and for all sites 5-14 dwellings the affordable target is 10%. The HBF considers that the amendment to increase the threshold at which affordable housing will be required from 2 dwellings to 5 dwellings is appropriate. The HBF also considers that the simplification of Table 5.4 is appropriate in terms of aiding the clarity and the ease of use of the policy. The HBF is however, concerned by the addition of text which states that higher rates of provision will be sought where development viability is not compromised. It is not clear how this element of policy would work when determining a planning application, or how would this be evidenced? The HBF does not consider this element of the policy is sound or appropriate and should be deleted.

12. The Council propose to amend part (v) of the policy to delete the reference to no more than two affordable dwellings placed next to each other. The HBF considers that this amendment is appropriate.

MM11.1 – Policy CC1: Renewable and Low Carbon Energy Storage

13. The Council proposes to delete the first section of this policy which stated that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%, as this is dealt with in policy CC2. The HBF considers that this deletion is appropriate.

MM11.5 - Policy CC2: Sustainable Design and Construction of New Development

14. The Council propose to amend this policy to state that residential development should achieve a minimum of 31% reduction in on site carbon emissions over and above the requirements of Building Regulations Part L (2013) of which at least 19% should come from energy efficiency measures. It also states that pending anticipated changes to Building Regulations developments should further aim to achieve up to 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013), unless it is demonstrated that such reductions would not be feasible or viable. The HBF continues to consider that this policy is not necessary and should be deleted. The HBF considers that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council should not need to set local carbon reduction because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.

MM15.1 – Policy DM1: Infrastructure and Developer Contributions

15. The Council propose to amend this policy by incorporating an additional part to this policy which states that *'where developers demonstrate that there are exceptional circumstances which justify the need for a viability assessment at the application stage, the Council will consider the assessment. If the development is demonstrably unviable, consideration will be given to modifying the phasing of obligations and may extend to including a review mechanism in any legal agreement'*. The HBF is concerned by the wording of this addition and by the limited detail provided.
16. The HBF does not consider that it is sound or appropriate to state that developers need to demonstrate that there are **exceptional circumstances** to justify the need for a viability assessment. This is not consistent with the PPG¹ and NPPF² which refer to **particular circumstances**, the HBF strongly recommends that the Council amend their wording. It is evident from the information already collated in the Viability Assessment that under current circumstances some schemes are not viable, it seems completely inappropriate to suggest that knowing this, the Council would require a developer to demonstrate exceptional circumstances.
17. The HBF generally considers that the use of overage clauses or viability reviews can be useful in allowing development to come forward. However, the proposed addition to this policy provides very little detail as to how this would take place in York. The HBF considers that in line with the PPG³ the Plan should set out circumstances where review mechanisms may be appropriate as well as a clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development.

Future Engagement

18. I trust that the Council will find these comments useful as it continues to progress its Local Plan to adoption. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
19. The HBF would like to be kept informed of the publication of the Inspectors' Report and the adoption of the Plan. Please use the contact details provided below for future correspondence.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email: joanne.harding@hbf.co.uk

Phone: 07972 774 229

¹ PPG ID: 10-007-20190509

² NPPF 2021 paragraph 58

³ PPG ID: 10-009-20190509